IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

Page 1 of 3

Civil Case Num. 98-2225 (RLA)

Instituto de Educacion Universal and Angel Ruiz Rivera

respectfully states, alleges and prays as follows:

v.

U.S. Department of Education	FILED US CO
NOTICE OF APPEAL	PR 25 N CLERN JURI OF A
To the Honorable Court:	S OFFI (S OFFI CIRCUI
Comes now the Co-Plaintiff, Angel Ruiz Rivera, appearing Pro Se (PS) and In Forma	
Pauperis (IFP) and also in representation of Co-Plaintiff, Instituto de Educacion Universal (IEU) ¹	

¹ I am filing this Notice of Appeal on behalf of Co-Plaintiff IEU, besides myself personally, based on the fact that in the first appeal of this same case before this Honorable U.S. Court of Appeals for the First Circuit (HUSCA1C), Instituto De Educacion Universal Corp. v. United States Department of Education, 209 F.3d 18, 209 F.3d 18 (1st Cir. 04/12/2000), this HUSCA1C determined that:

^[23] It is a close question as to whether a notice of appeal signed by a corporate officer has force with respect to the corporation. On reflection, however, we answer that question affirmatively. Corporations, unlike natural persons, can act only through agents. Moreover, appeal periods are notoriously brief and, if we were to adopt the Secretary's view, a corporate litigant whose counsel dies, becomes disabled, or withdraws at an inopportune time would be powerless to perfect an appeal. While it is true that a non-lawyer may not represent a corporation in ongoing proceedings, see In re Las Colinas Dev. Corp., 585 F.2d 7, 13 (1st Cir. 1978), we believe that a valid distinction can be drawn between ongoing legal representation and the essentially ministerial action involved in the filing of a notice of appeal. Thus, we hold that a corporate officer may sign and file a notice of appeal on behalf of the corporation, as long as the corporation then promptly retains counsel to take up the cudgels and prosecute the appeal. Accord Bigelow v. Brady, 179 F.3d 1164, 1165-66 (9th Cir. 1999) ("We fail to see any compelling reason to refuse to recognize a corporation's notice of appeal, signed and filed by a corporate officer, so long as a lawyer promptly thereafter enters a formal appearance on behalf of the corporation and undertakes the representation."); K.M.A., Inc. v. GMAC, 652 F.2d 398, 399 (5th Cir. 1981) (similar). That condition is satisfied here.

This is a Notice of Appeal filed pursuant to Federal Rule of Appellate Procedure 4. It is filed in regards to the final order of this HC of October 26, 2004, and the post-judgment Orders that ensued, including the last one of March 31, 2005, ratifying that the case was closed as per the March 16, 2005 Order vacating the March 1, 2005 Order, which had granted this same litigant until May 31, 2005 to retain counsel.

So we state, allege and pray. Respectfully submitted, today April 4, 2005.

Angel Ruiz Rivera

P.O. Box 191209

San Juan, P.R. 00919-1209.

787-714-1069

Certificate of Service

I, Angel Ruiz Rivera, appearing here Pro Se and IFP and in representation of IEU, hereby certify that I have sent through regular mail a copy of this Notice of Appeal to the appearing counsel for the Defendant; Ms. Isabel Munoz Acosta, AUSA, U.S. Attorney's Office, Plaza Chardon Suite 1201, 350 Chardon Ave., Hato Rey, P.R. 00918.

MIME-Version:1.0

From:prd_docketing@prd.uscourts.gov

To:prd_docketing@prd.uscourts.gov

Bcc: PRD_RLA@prd.uscourts.gov, gusera@suas.net, isabel.munoz@usdoj.gov, luis.rodriguez3@usdo

Message-Id:<507322@prd.uscourts.gov>

Subject: Activity in Case 3:98-cv-02225-RLA Ruiz-Rivera, et al v. USA, et al "Endorsed Or

Content-Type: text/html

NOTE TO PUBLIC ACCESS USERSYou may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.

United States District Court

District of Puerto Rico

Notice of Electronic Filing

The following transaction was received from ans, entered on 3/31/2005 at 12:28 PM AST and filed on 3/31/2005

Case Name:

Ruiz-Rivera, et al v. USA, et al

Case Number:

3:98-cv-2225

Filer:

WARNING: CASE CLOSED on 10/26/2004

Document Number: 85

Docket Text:

ENDORSED ORDER re: [84] MOTION to Alter Judgment MOTION for New Trial filed by Angel Ruiz-Rivera. DENIED. This case is closed. See docket No. 83. Signed by Judge Raymond L. Acosta on 3/31/05. (ans,)

The following document(s) are associated with this transaction:

3:98-cv-2225 Notice will be electronically mailed to:

Isabel Munoz-Acosta isabel.munoz@usdoj.gov, luis.rodriguez3@usdoj.gov

Migdali Ramos-Rivera mramos@moralesdavila.com

Maria L. Santiago-Ramos mlsantiago@suas.net, sacosta@suas.net

Gregory T. Usera-Macfarlane gusera@suas.net, vmunoz@suas.net

3:98-cy-2225 Notice will be delivered by other means to:

Instituto de Educacion Universal c/o Angel Ruiz Rivera P.O. Box 191209